IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Writ Petition No.6251 of 2005

M/s. Jungle Resort & Water Park
through its partner Jaynt Babulal
Jain Petitioner

Vs.

Chief Engineer (Electrical),
Public Works Department & ors. Respondents

Mr.Rahul S. Thakur for petitioner.
Mrs.M.P.Thakur, AGP for resp.no.5.
Mrs.Arati Barve for resp.no.6.
Mr.Nitin Pradhan with Ms.Hemani Jhariya for resp.no.7.

CORAM: B.H.MARLAPALLE & J.H.BHATIA,JJ.

November 28, 2006.

P.C.

1. Further to our order dated 14/11/2006, the learned AGP has placed before us the inspection report made by the Sub Divisional Magistrate, Dahanu. It is evident that the petitioner's holiday resort located at Survey No.52/1 of village Vevoor, Tal. Palghar has been issued licences under the Bombay Police Act, 1951. It is noted from the said report that in addition to two swimming pools, there is a jacuzzi and water park and, therefore, it is stated that if the resorts consist of pool games, parlours, amusement parlours providing computer games, virtual

reality games, cybercafe games with net connectivity, bowling alleys, card room, social clubs, sports clubs etc., the permission is required to be obtained from the Revenue authorities under the Licensing and Controlling Places of Public Amusement (other than Cinemas) and performance for Public Amusement, including Cabaret Performance, Discotheques, Games, Melas & Tamashas (Amendment) Rules, 2001.

2. We, therefore, direct the Collector, Thane to ensure that the necessary licences are applied for and obtained under the said Rules if the existing facilities attract the Rules of 2001.

3. In the larger public interest and more particularly to ensure that the instances which are the subject matter of this petition do not occur at any other resort outside the Corporation limits of either Mumbai, Thane or any other Corporation, it may be necessary for the State Government through the Department of Revenue and Forest to consider to apply or frame the Rules on the lines of Rule 60 of the Development Control Regulations for Greater Mumbai, 1991 and Appendix VIII thereunder, to the extent such Rules would apply to the resorts or any such places

of amusement / entertainment. We are sure the State Government would be concerned with the safety of the patrons who visit such resorts, in addition to the safety measures the proprietors or owners of these resorts may provide for and ultimately there must be a mechanism to inspect such places from time to time and take corrective action.

4. As per the petitioner the post accidental safety measures are adequately installed and whatever was required to be done as per the directions of the Electrical Inspector has been done. The Electrical Inspector has addressed a letter dated 6/11/2006 to the learned Government Pleader informing that the following observations about the electrical instalments were made during his recent visits on 30/9/2006 as well 31/10/2006.

(a) Waterproof cable joints are provided for the submersible pumps used for swimming tank. The damaged waterproof joints are replaced by new one and kept straight.

(b) All the pump sumps are covered with heavy cement and Shahabad slabs. Necessary

cages are provided above these slabs to avoid sitting or standing over the slabs. The danger boards are provided on the cages.

(c) The distribution board provided on the pillar as shown in the photograph is removed permanently.

(d) The ELCB's are provided for area lighting circuits. And

(e) Lightning arrestor and breather of transformer are replaced.

5. We direct the Electrical Inspector to visit the subject resort once in a quarter and submit his report to the Collector, Thane for further action, if necessary, until the licences are granted and after such licences are granted, it would be the licensing authority who will cause the inspection of the subject premises from time to time and at least once in every quarter.

6. So far as the impugned direction by the State Government through the Industries, Electricity and

Labour Department issued on 25/7/2005 to the Chief Engineer (Electrical), PWD, Chembur (East), Mumbai is concerned, the compensation claim is already pending before the National Consumer Disputes Redressal Commission, New Delhi and some amount has already been deposited by the petitioner as well as the Insurance Company. In this view of the matter, the communication dated 22/8/2005 addressed to the petitioner-resort by the Electrical Inspector ceases to have any effect henceforth, in view of the interlocutory orders passed by this Court from time to time and the reports placed before us. Nothing further survives in this petition and the same is hereby disposed as such.

7. Disposal of this petition in no way affects the rights of the family concerned claiming compensation or any other damages / losses before the appropriate forums.

(J.H.BHATIA,J.) (B.H.MARLAPALLE,J.)